

1 JOHN P. SHANNON
Nevada Bar No. 7906
2 JASON S. COOK
Nevada Bar No. 7965
3 LAW OFFICE OF WILLIAM H. JACKSON
4 6130 Elton Avenue
Las Vegas, Nevada 89107
5 Phone: (702) 489-3030
6 Facsimile: (702) 489-3033
7 Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA, SOUTHERN DIVISION

10
11 ESTEVAN ALVARADO-HERRERA, an
individual;

12 Plaintiff,

13 vs.

14 JOSE LUIS ALVAREZ, JR, individually; R &
15 A CARRIERS, INC., a Texas corporation; and,
16 DOES I through X, inclusive,

17 Defendants.

18
19 ACUITY, A MUTUAL INSURANCE
COMPANY

20 Intervenor.

Case No.: 2:19-cv-00748-GMN-VCF

21
22 SUPPLEMENT TO AFFIDAVIT OF COMPLIANCE

23 STATE OF NEVADA)
24) ss.
25 COUNTY OF CLARK)

26 CHERYL COOK, being first duly sworn, deposes and says:

27 1. I am an employee of LAW OFFICE OF WILLIAM H. JACKSON, attorneys for
28 Plaintiff ESTEVAN ALVARADO-HERRERA.

1 2. That service of the Summons and Complaint for personal injuries was attempted on
2 Defendant JOSE LUIS ALVAREZ, JR. (hereinafter "ALVAREZ") at said party's last known residence
3 as documented in the State of Nevada Traffic Crash Report generated by Las Vegas Metropolitan Police
4 Department. The report listed an address for Defendant ALVAREZ as follows: 1201 N. Moreno
5 Avenue in Laredo, Texas 78043.
6

7 3. The process server/Affiant Martin H. Vacca (hereinafter "VACCA") attempted to serve
8 the Summons and Complaint on Defendant ALVAREZ on January 30, 2019 at 10:45 a.m. PST at 1201
9 N. Moreno Avenue in Laredo, Texas 78043. On said date and time, an individual by the name of Jose
10 Luis Alvarez, Sr. stated that Defendant ALVAREZ is his son but his son was not home. Affiant
11 VACCA left a business card for Defendant ALVAREZ to contact the process server/Affiant VACCA.
12

13 4. On January 30, 2019, process server/Affiant VACCA received a telephone at 11:35 a.m.
14 PST from Defendant ALVAREZ who indicated he was "delivering a load" and would call back when
15 he was available.
16

17 5. On February 2, 2019, process server/Affiant returned to the residence at 1201 N. Moreno
18 Avenue in Laredo, Texas 78043 at 9:15 a.m. Defendant ALVAREZ's father came to the door and
19 informed the process server/Affiant VACCA that Defendant ALVAREZ was "not available". The
20 process server/Affiant left another business card.
21

22 6. On February 6, 2019 at 9:15 a.m. PST, process server/Affiant VACCA returned to the
23 residence at 1201 N. Moreno Avenue in Laredo, Texas 78043. The front gate was secured and the
24 process server/Affiant could not access the doorbell. A large dog was at the front gate. Process
25 server/Affiant VACCA left a business card on the front gate.
26
27
28

1 7. On February 8, 2019, the process server/Affiant VACCA returned to the residence at
2 1201 N. Moreno Avenue in Laredo, Texas 78043 at 6:15 p.m. PST. The gate was secured and a large
3 dog was inside the gate. The process server/Affiant left a business card on the gate.
4

5 8. On February 9, 2019 at 8:50 a.m. the process server/Affiant returned to the residence at
6 1201 N. Moreno Avenue in Laredo, Texas 78043 at 8:50 a.m. PST. Process server/Affiant VACCA
7 spoke with Defendant ALVAREZ's father who stated that Defendant was not available.
8

9 9. On February 14, 2019 at 7:10 p.m. PST, the process server/Affiant VACCA returned to
10 the residence at 1201 N. Moreno Avenue in Laredo, Texas 78043. The front gate was secured. Process
11 server/Affiant VACCA honked the horn of his vehicle and a Hispanic male came out of the residence
12 and stated Defendant ALVAREZ was not at home. The process server/Affiant requested the Hispanic
13 male come down the stairs to meet the process server/Affiant at the secured gate in order to get papers
14 for Defendant ALVAREZ. The Hispanic male requested the process server/Affiant wait for him to put
15 his shoes on. The process server/Affiant waited fifteen (15) minutes and the Hispanic male never
16 returned. The process server/Affiant began to honk the horn on his vehicle again. A female came out
17 of the residence and stated that Defendant ALVAREZ does not live at the residence.
18

19 10. The process server/Affiant noted a vehicle with plate KPT8944 was on property at 1201
20 N. Moreno Avenue in Laredo, Texas 78043. Said vehicle was registered to Defendant ALVAREZ.
21

22 11. The process server/Affiant returned to the residence at 1201 N. Moreno Avenue in Laredo,
23 Texas 78043 on February 18, 2019 at 3:03 p.m. PST. The gate was secured and a dog was found inside
24 the gate. No resident responded to the process server/Affiant's honking of his vehicle.
25

26 12. On March 7, 2019 at 6:20 p.m. PST, the process server/Affiant VACCA returned to the
27 residence at 1201 N. Moreno Avenue in Laredo, Texas 78043. The gate was secured. A female looked
28 through a window but would not come out.

1 13. Process server/Affiant generated an Affidavit of Attempted Service as to Defendant
2 ALVAREZ on March 8, 2019. Said document was filed on April 10, 2019. A copy of the Affidavit is
3 attached hereto as exhibit "1".
4

5 14. That on April 5, 2019 at 2:27 p.m. PST, process server/Affiant Alexander Snipes caused
6 to be served on Charlene Peters at the office of the Director of the Nevada Department of Motor Vehicles
7 located at 555 Wright Way in Carson City, Nevada, the Summons and Complaint as well as the
8 Affidavit/Declaration of Attempted Service on Defendant ALVAREZ with the \$5.00 statutory fee in
9 accordance with NRS 14.070. A copy of the Affidavit/Declaration of Service is attached hereto at exhibit
10 "2". A copy of the correspondence generated by Department of Motor Vehicles dated April 12, 2019
11 is attached hereto at exhibit "3".
12

13 15. On April 24, 2019, I deposited in the United States Mail at Las Vegas, Nevada, Certified
14 Mail No. 9407 1108 9876 5033 9468 11, Return Receipt requested with postage fully prepaid thereon,
15 an envelope containing a copy of the Summons, Complaint and Affidavit of Service upon Department
16 of Motor Vehicles. In addition, I caused to be deposited in the United States Mail at Las Vegas, Nevada
17 an envelope – not certified, and not requiring signature – containing a copy of the Summons, Complaint
18 and Affidavit of Service upon Department of Motor Vehicles.
19

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

16. Said envelopes were addressed to Defendant ALVAREZ at the following address: 1201 N. Moreno Avenue in Laredo, Texas 78043. Copies of the envelopes with postage noted on both are attached hereto as exhibit "4".

17. On or about May 2, 2019, I performed a search on The United States Postal Service USPS website for status of the delivery of the Certified Mail No. 9407 1108 9876 5033 9468 11. According to the Certified Mail Electronic Delivery Confirmation document attached hereto at exhibit "5", the USPS Status stated, in part, as follows: "Your item was delivered to an individual at the address at 4:27 pm on April 29, 2019 in LAREDO, TX 78043."

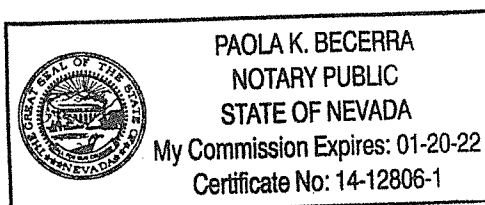
18. On or about May 6, 2019, the envelope addressed to Defendant ALVAREZ and sent via Certified Mail No. 9407 1108 9876 5033 9468 11, Return Receipt requested, was returned to the Law Office of William H. Jackson. Said envelope was returned with a label placed by the US Postal Service stating "RETURN TO SENDER REFUSED UNABLE TO FORWARD". See exhibit "6" attached hereto.

DATED this 14th day of May, 2019.


CHERYL COOK

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)


On this 7th day of May, 2019, personally appeared before me, the undersigned, a Notary Public in and for the County of Clark, State of Nevada, CHERYL COOK, who acknowledged that she executed the above instrument.




NOTARY PUBLIC, in and for said
County and State

EXHIBIT “1”

Electronically Filed
4/10/2019 8:53 AM
Steven D. Grierson
CLERK OF THE COURT



JOHN P. SHANNON
Nevada Bar No. 7906
JASON S. COOK
Nevada Bar No. 7965
LAW OFFICE OF WILLIAM H. JACKSON
6130 Elton Avenue
Las Vegas, Nevada 89107
Phone: (702) 489-3030
Facsimile: (702) 489-3033
Attorneys for Plaintiffs

DISTRICT COURT, CLARK COUNTY, NEVADA

Plaintiff / Petitioner: ESTEVAN ALVARADO-HERRERA, an individual	Case No: A-19-787456-C Dept. No. II
Defendant / Respondent: JOSE LUIS ALVAREZ, JR., individually; R & A CARRIERS, INC., a Texas Corporation; and DOES I through X, inclusive	AFFIDAVIT/DECLARATION OF ATTEMPTED SERVICE JOSE LUIS ALVAREZ, JR.

I, MARTIN H. VACCA PS 1257 EXP:7/31/2020, , being duly sworn, or under penalty of perjury, state that at all times relevant, I was over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents.

The undersigned duly attempted to serve the following document(s): SUMMONS; COMPLAINT in the above entitled action upon JOSE LUIS ALVAREZ, JR., with the following results: 1) Unsuccessful Attempt: Jan 30, 2019, 10:45 am PST at 1201 N MORENO AVE, LAREDO, TX 78043-Jose Luis Alvarez Sr. stated the defendant is his son, but was not home. Left card for defendant to call. Unsuccessful Attempt: Jan 30, 2019, 11:35 am PST at 1201 N MORENO AVE, LAREDO, TX 78043-Received a call from Jose who said he was delivering a load and would call back when he was available. Unsuccessful Attempt: Feb 2, 2019, 9:15 am PST at 1201 N MORENO AVE, LAREDO, TX 78043-Defendant's father came to door and said defendant was not available. Left another card. Unsuccessful Attempt: Feb 6, 2019, 9:15 am PST at 1201 N MORENO AVE, LAREDO, TX 78043-Gate secured, I could not access doorbell. Large dog inside gate. Left card on gate. Unsuccessful Attempt: Feb 8, 2019, 6:15 pm PST at 1201 N MORENO AVE, LAREDO, TX 78043-Gate secured, I could not access doorbell. Large dog inside gate. Left card on gate. Unsuccessful Attempt: Feb 9, 2019, 8:50 am PST at 1201 N MORENO AVE, LAREDO, TX 78043-Defendant's father stated that the defendant was not available. Unsuccessful Attempt: Feb 14, 2019, 7:10 pm PST at 1201 N MORENO AVE, LAREDO, TX 78043-Gate secured. After honking the horn a hispanic male came out and stated the defendant was not home. I asked him if he could come down the stairs to meet me at locked gate to get the documents for the defendant. He told me to wait while he put on shoes. I waited 15 minutes and the male never came back out. I yelled and honked my horn again and a female came out and said the defendant does not live there

///

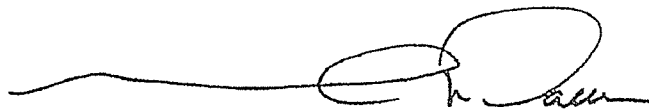
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///

A vehicle with plate KPT8944 was on property and registered to the defendant. Unsuccessful Attempt: Feb 18, 2019, 3:03 pm PST at 1201 N MORENO AVE, LAREDO, TX 78043-Gate secured. Dogs inside gate. No one would respond to honking. Unsuccessful Attempt: Mar 7, 2019, 6:20 pm PST at 1201 N MORENO AVE, LAREDO, TX 78043-Gate secured. A female peeked through the window but would not come out.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct. No Notary is Required per NRS 53.045

Date: MARCH 8, 2019

A handwritten signature in black ink, appearing to read 'Martin H. Vacca', is written over a horizontal line.

MARTIN H. VACCA PS 1257 EXP:7/31/2020

For:

ACE Executive Services, LLC (NV #2021C)

8275 S EASTERN AVE STE 200

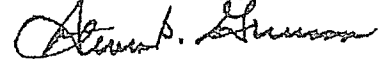
LAS VEGAS, NV 89123

702 919-7223

Job: 3002372 (ALVARADO-HERRERA v. ALVAREZ)

EXHIBIT “2”

Electronically Filed
4/10/2019 8:53 AM
Steven D. Grierson
CLERK OF THE COURT



JOHN P. SHANNON
Nevada Bar No. 7906
JASON S. COOK
Nevada Bar No. 7965
LAW OFFICE OF WILLIAM H. JACKSON
6130 Elton Avenue
Las Vegas, Nevada 89107
Phone: (702) 489-3030
Facsimile: (702) 489-3033
Attorneys for Plaintiffs

DISTRICT COURT, CLARK COUNTY, NEVADA


Plaintiff / Petitioner: ESTEVAN ALVARADO-HERRERA, an individual	Case No: A-19-787456-C Dept No. II
Defendant / Respondent: JOSE LUIS ALVAREZ, JR., individually; R & A CARRIERS, INC., a Texas Corporation; and DOES I through X, inclusive	AFFIDAVIT/DECLARATION OF SERVICE JOSE LUIS ALVAREZ, JR.

I, Alexandra Snipes, #1876, being duly sworn, or under penalty of perjury, state that at all times relevant, I was over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents.

That on Fri, Apr 05 2019 at 02:27 PM, at the address of 555 WRIGHT WAY, within CARSON CITY, NV, the undersigned duly served the following document(s): SUMMONS; COMPLAINT, AFFIDAVIT/DECLARATION OF ATTEMPTED SERVICE JOSE LUIS ALVAREZ, JR; \$5.00 STATUTORY FEE in the above entitled action upon JOSE LUIS ALVAREZ, JR. c/o DIRECTOR OF THE NEVADA DEPARTMENT OF MOTOR VEHICLES, by then and there, personally delivering 1 true and correct copy(ies) of the above documents into the hands of and leaving same with Charlene Peters.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct. No Notary is Required per NRS 53.045.

Date: 04/09/2019



Alexandra Snipes, #1876

For:
ACE Executive Services, LLC (NV #2021C)
8275 S EASTERN AVE STE 200
LAS VEGAS, NV 89123
702 919-7223
Job: 3002372 (ALVARADO-HERRERA v. ALVAREZ)

EXHIBIT “3”

Steve Sisolak
Governor



Julie Butler
Director

Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89711-0900
Telephone (775) 684-4549

April 12, 2019

John P. Shannon, ESQ.
LAW OFFICE OF WILLIAM H. JACKSON
6130 Elton Avenue
Las Vegas, Nevada 89107

RE: Estevan Alvarado-Herrera vs. Jose Luis Alvarez, JR.
Case No: A-19-787456-C
Service Date: 4/12/19
Service Accepted For: Jose Luis Alvarez, JR
Delivery Method: Battle Born Process Service

Dear John P. Shannon,

This letter acknowledges service of a Summons and Complaint received in the Director's Office of the State of Nevada, Department of Motor Vehicles for the above-referenced case, along with \$5 provided for in NRS 14.070.

Sincerely,

A handwritten signature in cursive script that reads 'Heather Walent'.

Heather Walent
Administrative Assistant
Director's Office

EXHIBIT “4”

Law Office of William H. Jackson
6130 ELTON AVE FL 2
LAS VEGAS NV 89107-2538

US POSTAGE AND FEES PAID
FIRST-CLASS
Apr 24 2019
Mailed from ZIP 89107
1 oz First-Class Mail Letter



071S00777793

USPS CERTIFIED MAIL



9407 1108 9876 5033 9468 11

Jose Luis Alvarez Jr
1201 N MORENO AVE
LAREDO TX 78043-3542



FOLD ALONG THIS LINE

USPS CERTIFIED MAIL™

Law Office of William H. Jackson
6130 ELTON AVE FL 2
LAS VEGAS NV 89107-2538

US POSTAGE AND FEES PAID
FIRST-CLASS
Apr 24 2019
Mailed from ZIP 89107
1 oz First-Class Mail Letter



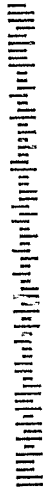
071S00777793

USPS CERTIFIED MAIL



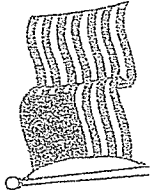
9407 1108 9876 5033 9468 11

Jose Luis Alvarez Jr
1201 N MORENO AVE
LAREDO TX 78043-3542



LAW OFFICE OF
WILLIAM H. JACKSON, LLC
6130 Elton Avenue,
Las Vegas, NV 89107

H



Jose Luis Alvarez, Jr.
1201 N. Moreno Avenue
Laredo, TX 78043

EXHIBIT “5”

Certified Mail Electronic Delivery Confirmation™



Law Office of William H. Jackson
6130 ELTON AVE FL 2
LAS VEGAS NV 89107-2538

US POSTAGE AND FEES PAID
FIRST-CLASS
Apr 24 2019
Mailed from ZIP 89107
1 oz First-Class Mail Letter



071S00777793

USPS CERTIFIED MAIL



9407 1108 9876 5033 9468 11

Jose Luis Alvarez Jr
1201 N MORENO AVE
LAREDO TX 78043-3542



Reference

USPS #	9407110898765033946811
USPS Mail Class	Certified with Electronic Delivery Confirmation
USPS Status	Your item was delivered to an individual at the address at 4:27 pm on April 29, 2019 in LAREDO, TX 78043.
USPS History	In Transit to Next Facility, 04/29/2019 In Transit to Next Facility, 04/28/2019 In Transit to Next Facility, 04/27/2019 Departed USPS Regional Facility, April 26, 2019, 7:48 am, LAS VEGAS NV DISTRIBUTION CENTER Arrived at USPS Regional Origin Facility, 04/25/2019, 9:14 pm, LAS VEGAS NV DISTRIBUTION CENTER Accepted at USPS Origin Facility, April 25, 2019, 7:59 pm, LAS VEGAS, NV 89107 Shipping Label Created, USPS Awaiting Item, April 24, 2019, 1:57 pm, LAS VEGAS, NV 89107

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Date Verified: 04/30/2019 (UTC)

EXHIBIT “6”

